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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,909	05/23/2002	Sohya Saito	AT-0021US	4399
23419	7590	09/15/2005	EXAMINER	
COOLEY GODWARD, LLP 3000 EL CAMINO REAL 5 PALO ALTO SQUARE PALO ALTO, CA 94306			SIMMONS, JIM	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/063,909

Applicant(s)

SAITO, SOHYA

Examiner

James J. Simmons

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/30/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-17 are presented for examination.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9, 11-12 and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated over Khoda et al. (US 2002/0178411).

a. As per claim 1, Khoda discloses a communication system, comprising:

a first interconnecting apparatus connected to an external network, said first interconnecting apparatus comprising a first interconnecting unit operable to

receive a first management command from the external network (Fig. 1; p. 0023 p.0047; wherein the first interconnecting apparatus is host computer or management switch 20);

a second interconnecting apparatus connected to said first interconnecting apparatus(Fig 1; p. 0023; wherein second interconnected apparatus is other host computer or management switch 30);

and a first management apparatus, connected to both said first interconnecting apparatus and said second interconnecting apparatus, said first management apparatus comprising a first management command receive unit operable to receive the first management command from said first interconnecting apparatus, the first management command including an instruction for management of said second interconnecting apparatus (Fig. 1; p. 0023; wherein manager is media converter 10).

b. As per claim 2, Khoda discloses the claimed invention as described above and furthermore teaches:

A communication system as claimed in claim 1, wherein said second interconnecting apparatus comprises a second interconnecting unit connecting to said first interconnecting apparatus through a first transmission medium and to another apparatus through a second transmission medium which is different from said first transmission medium in a physical layer (Fig. 1; p. 0014).

c. As per claim 3, Khoda discloses the claimed invention as described above and furthermore teaches:

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A communication system as claimed in claim 1, wherein said second interconnecting apparatus comprises:

a second interconnecting unit connecting to said first communication apparatus through a first transmission medium and to another apparatus through a second transmission medium (Fig. 1, p. 0014, p.0023, p.0026);

and a first interconnection prohibit unit connecting to said second interconnecting unit, said first interconnecting prohibit unit operating said second interconnecting unit to disconnect transmission both to said first transmission medium and to said second transmission medium when transmission from either said first transmission medium or said second transmission medium is disconnected (Fig. 1; p. 0017; p. 0023).

d. As per claim 4, Khoda discloses the claimed invention as described above and furthermore teaches:

A communication system as claimed in claim 3, wherein said first management apparatus comprises:

a monitoring unit, operable to monitor communication between said first interconnecting apparatus and said second interconnecting apparatus if it is disconnected (Fig. 4; Fig. 5; Fig. 10; p. 0053);

an interconnection resume unit operable to release the disconnection of the transmission to said second transmission medium by said first interconnection prohibit unit of said second interconnecting apparatus when communication between said first interconnecting apparatus and said second interconnecting apparatus is disconnected (p. 0023);

a management message transmit unit 570 operable, in a case where said interconnection resume unit releases the disconnection of the transmission to said second transmission medium by said first interconnection prohibit unit, to transmit a communication status get message, that is sent to a communication device connected to said second interconnecting apparatus via said second transmission medium, for getting a communication status of said communication device (p. 0023);

and a reply message receive unit operable to receive, from said communication device, a communication status reply message that is a reply to said communication status get message (p. 0023).

e. As per claim 5, Khoda discloses the claimed invention as described above and furthermore teaches:

A communication system as claimed in claim 4, wherein said management message transmit unit transmits said communication status get message to said second interconnecting apparatus, and said second interconnecting apparatus transmits said communication status get message, received from said management message transmit unit, to said communication device (Fig. 1; p. 0023; p.0053; wherein second interconnected apparatus is other host computer or management switch 30 and management message transmit unit comprises physical layer devices 101 and 102).

f. As per claim 6, Khoda discloses the claimed invention as described above and furthermore teaches:

A communication system as claimed in claim 4, wherein

said second interconnecting apparatus includes a second interconnecting unit operable to perform medium conversion between a first transmission medium and a second

transmission medium, said first transmission medium being used for connection with said first interconnecting apparatus and said second transmission medium being different from said first transmission medium in a physical layer (Fig. 1; p. 0059; wherein Media Converter 10 performs medium conversion);

said management message transmit unit transmits said communication status get message to said first interconnecting apparatus, said first interconnecting unit in said first interconnecting apparatus transmits said communication status get message, received from said management message transmit unit, to said second interconnecting apparatus, and said second interconnecting unit in said second interconnecting apparatus transmits said communication status get message, received from said first interconnecting unit, to said communication device (Fig. 4; Fig. 5; Fig. 10; p. 0023; p.0053).

g. As per claim 7, Khoda discloses the claimed invention as described above and furthermore teaches:

A communication system as claimed in claim 1, further comprising:

a third interconnecting apparatus connected to said second interconnecting apparatus (Fig. 16; p. 0132);

and a second management apparatus, connected to said first management apparatus, operable to manage said third interconnecting apparatus, said second management apparatus comprising a second management command receive unit operable to receive, from said first management apparatus, a second management command for managing said third interconnecting apparatus (Fig. 16; p. 0132).

h. As per claim 8, Khoda discloses the claimed invention as described above and furthermore teaches:

A communication system as claimed in claim 7, wherein said second interconnecting apparatus includes a second interconnecting unit operable to perform medium conversion between a first transmission medium, used for connection with said first interconnecting apparatus, and a second transmission medium, different from said first transmission medium in a physical layer, and said third interconnecting apparatus includes a third interconnecting unit operable to perform medium conversion between said second transmission medium, used for connection with said second interconnecting apparatus, and a third transmission medium, different from said second transmission medium in a physical layer (Fig. 1; Fig. 16; p. 0059; p. 0132; wherein Media Converter 10 performs medium conversion);

i. As per claim 9, Khoda discloses the claimed invention as described above and furthermore teaches:

A communication system as claimed in claim 2, further comprising:

a third interconnecting apparatus, connected to said second interconnecting apparatus, operable to perform medium conversion between said second transmission medium, used for connection with said second interconnecting apparatus, and a third transmission medium, different from said second transmission medium in a physical layer (Fig. 1; Fig. 16; p. 0059; p. 0132; wherein Media Converter 10 performs medium conversion), wherein said third interconnecting apparatus comprises:

an interconnection prohibit unit operable, in a case where transmission receiving from said second transmission medium or said third transmission medium is disconnected, to disconnect transmission to said second transmission medium and said third transmission medium (Fig. 4; Fig. 5; Fig. 10; p. 0017);

a management message receive unit operable to receive, from said second transmission medium, a communication status get message for getting a communication status of a communication path including said second transmission medium, said third interconnecting apparatus and said third transmission medium (p. 0023);

a management message convert unit operable to change a part of said communication status get message to information indicating a communication status of said third interconnecting apparatus, to generate a communication status reply message having a same length as said communication status get message (Fig. 7; p. 0021; p. 0129; wherein the trigger packet and response packets are set to a determined length)

and a management message reply unit operable, when said interconnection prohibit unit disconnects the transmission to said third transmission medium, to transmit said communication status reply message, via said second transmission medium, to said first management apparatus (p. 0125 – p. 0130; p. 0134).

j. As per claim 11, Khoda discloses the claimed invention as described above and furthermore teaches:

An interconnecting apparatus for connecting a first transmission medium and a second transmission medium to each other, comprising:

an interconnection prohibit unit operable to disconnect transmission to said second transmission medium when a predetermined condition is satisfied (p. 0017; p. 0023);

a management message receive unit operable to receive, via said first transmission medium, a communication status get message for getting a communication status of a communication path including said first transmission medium, said interconnecting apparatus and said second transmission medium (p. 0023);

a management message convert unit operable to change a part of fields of said communication status get message to information indicating a communication status of said interconnecting apparatus to generate a communication status reply message having a same length as said communication status get message (p. 0125 – p. 0130; p. 0134);

and a management message reply unit operable to send back said communication status reply message, via said first transmission medium, when the transmission to said second transmission medium is disconnected (Fig. 1; p. 0017; p. 0023).

k. As per claim 12, Khoda discloses the claimed invention as described above and furthermore teaches:

An interconnecting apparatus as claimed in claim 11, wherein said second transmission medium is different from said first transmission medium in a physical layer (Fig. 1), and said interconnecting apparatus further includes an interconnecting unit operable to perform medium conversion between said first transmission medium and said second transmission medium (Fig. 1; Media Converter 10).

l. As per claim 14, Khoda discloses the claimed invention as described above and furthermore teaches:

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A communication system management method for managing a communication system having a first interconnecting apparatus connected to an external network; a second interconnecting apparatus connected to said first interconnecting apparatus; and a management apparatus operable to manage said second interconnecting apparatus, said management apparatus being connected to said first interconnecting apparatus and said second interconnecting apparatus, the method comprising:

receiving, by said first interconnecting apparatus, a management command, as an instruction for management of said second interconnecting apparatus, said management command originating from said external network, and transmitting said management command to said management apparatus (Fig. 1; p. 0023 p.0047; wherein the first interconnecting apparatus is host computer or management switch 20 and manager is media converter 10);

receiving, by said management apparatus, said management command transmitted by said first interconnecting apparatus (Fig. 1; p. 0023 p.0047; wherein the first interconnecting apparatus is host computer or management switch 20 and manager is media converter 10);

and managing, by said management apparatus, said second interconnecting apparatus in accordance with said management command (Fig. 1; p. 0023 p.0047; wherein manager is media converter 10 and second interconnected apparatus is other host computer or management switch 30).

m. As per claim 15, Khoda discloses the claimed invention as described above and furthermore teaches:

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An interconnecting apparatus controlling method for controlling an interconnecting apparatus that connects a first transmission medium and a second transmission medium to each other, said method comprising:

disconnecting transmission to said second transmission medium when a predetermined condition is satisfied (p. 0017; wherein missing link function is the predetermined condition for disconnected second transmission medium);

receiving, via said first transmission medium, a communication status get message for getting a communication status of a communication path including said first transmission medium, said interconnecting apparatus and said second transmission medium (p. 0023);

changing a part of fields of said communication status get message to information indicating a communication status of said interconnecting apparatus to generate a communication status reply message having a same length as said communication status get message (p. 0125 – p. 0130; p. 0134);

and sending back said communication status reply message, via said first transmission medium, when the transmission to said second transmission medium is disconnected (Fig. 1; p. 0017; p. 0023).

n. As per claim 16, Khoda discloses the claimed invention as described above and furthermore teaches:

A program for a management apparatus in a communication system including a first interconnecting apparatus connected to an external network and a second interconnecting apparatus connected to said first interconnecting apparatus, said management apparatus being operable to manage said second interconnecting apparatus, wherein said second interconnecting

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apparatus includes: an interconnecting unit operable to interconnect communication between a first transmission medium, used for connection with said first interconnecting apparatus, and a second transmission medium; and an interconnection prohibit unit operable to disconnect transmission to said first transmission medium and said second transmission medium by said interconnecting unit, in a case where transmission receiving from said first transmission medium or said second transmission medium is disconnected, wherein said program comprises:

a monitoring unit operable to monitor whether or not communication between said first interconnecting apparatus and said second interconnecting apparatus is disconnected (Fig. 4; Fig. 5; Fig. 10; p. 0053);

an interconnection resume unit operable, in a case where the communication between said first interconnecting apparatus and said second interconnecting apparatus is disconnected, to release the disconnection of transmission to said second transmission medium by said interconnection prohibit unit (p. 0023);

a management message transmit unit operable, in a case where said interconnection resume unit releases the disconnection of transmission to said second transmission medium by said interconnection prohibit unit, to transmit a communication status get message, for getting a communication status of a communication device connected to said second interconnecting apparatus via said second transmission medium, to be sent to said communication device (Fig. 4; Fig. 5; p. 0023);

and a reply message receive unit operable to receive a communication status reply message, as a reply to said communication status get message, from said communication device (p. 0023).

o. As per claim 17, Khoda discloses the claimed invention as described above and furthermore teaches:

A recording medium having a program stored therein for use with a management apparatus in a communication system including a first interconnecting apparatus connected to an external network and a second interconnecting apparatus connected to said first interconnecting apparatus, said management apparatus being operable to manage said second interconnecting apparatus, wherein said second interconnecting apparatus includes: an interconnecting unit operable to interconnect communication between a first transmission medium, used for connection with said first interconnecting apparatus, and a second transmission medium; and an interconnection prohibit unit operable to disconnect transmission to said first transmission medium and said second transmission medium by said interconnecting unit, in a case where transmission receiving from said first transmission medium or said second transmission medium is disconnected, wherein said program comprises:

a monitoring unit operable to monitor whether or not communication between said first interconnecting apparatus and said second interconnecting apparatus is disconnected (Fig. 4; Fig. 5; Fig. 10; p. 0053);

an interconnection resume unit operable to release the disconnection of the transmission to said second transmission medium by said interconnection prohibit unit, in a case where communication between said first interconnecting apparatus and said second interconnecting apparatus is disconnected (p. 0023);

a management message transmit unit operable to transmit a communication status get message, for getting a communication status of a communication device connected to

said second interconnecting apparatus via said second transmission medium, to be sent to said communication device, in a case where said interconnection resume unit released the disconnection of the transmission to said second transmission medium by said interconnection prohibit unit (Fig. 4; Fig. 5; p. 0023);
and a reply message receive unit operable to receive a communication status reply message, that is a reply to said communication status get message, from said communication device (p. 0023).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khoda et al. (US 2002/0178411) in view of Martin et al. (US 2002/0120737).

a. As per claim 10, Khoda discloses the claimed invention as described above. Khoda does not explicitly teach the limitations of claim 10. However, Martin teaches use of an echo message in Internet Control Message Protocol (ICMP) to indicate the communication status of connected network devices (p. 0035). It would have been obvious to one of ordinary skill in the

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art at the time the invention was made to incorporate the ICMP echo message of Martin into the media conversion management system of Khoda, since the field of inventions for both Khoda and Martin pertain to network management systems, and since it is desirable to receive a signal and send a response back to the source of the signal (Khoda, p. 0014).

b. As per claim 13, Khoda-Martin discloses the claimed invention as described above and Martin furthermore teaches:

An interconnecting apparatus as claimed in claim 11, wherein said communication status get message is an echo message in Internet Control Message Protocol (ICMP), said communication status reply message is an echo reply message in ICMP, and said management message convert unit changes said part of said fields of said echo message, as said communication status get message, to said information indicating said communication status of said interconnecting apparatus by interchanging a source IP address and a destination IP address in an IP header of said echo message (p. 0035).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's discloser.

a. Tanaka et al. (US 2002/0124110) disclose media converter and link test technique.

b. Ohta et al. (US 2002/0172209) disclose method of controlling change-over of connection route between media gateway apparatuses, and call agent apparatus.

c. Ninokata (US 2001/0025306) disclose apparatus and method for managing a session on plural media.

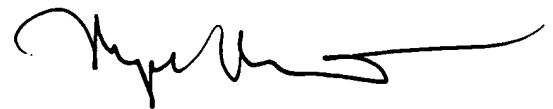
d. Leung et al. (US 6,005,870) disclose method for called party control of telecommunications network services.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James J. Simmons whose telephone number is (517) 272-8668.

The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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SUPERVISORY PATENT EXAMINER